

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

LEO CALVIN FAIRLEY, JR.

PLAINTIFF

v.

CAUSE NO. 1:12CV143-LG-JMR

**MICHAEL J. ASTRUE,
COMMISSIONER OF
SOCIAL SECURITY**

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the Report and Recommendation of United States Magistrate Judge John M. Roper entered in this cause on July 16, 2013. Judge Roper recommended that Plaintiff's appeal be dismissed with prejudice; and that Final Judgment in favor of the Commissioner be entered. Plaintiff did not file an objection to the Report and Recommendation. After thoroughly reviewing the findings in the Report and Recommendation, the Court finds that the Report and Recommendation should be adopted as the finding of the Court for the reasons that follow.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having made the required review of the Report and Recommendation, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are neither clearly erroneous nor contrary to law. Therefore, the Court, being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [14] of United States Magistrate Judge John M. Roper entered in this cause on July 16, 2013, should be, and the same hereby is, **ADOPTED** as the finding of this Court.

SO ORDERED AND ADJUDGED this the 5th day of August, 2013.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE